

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEREK SYLVESTER,

Petitioner, No. CIV-S-03-1301 GEB KJM P

vs.

SCOTT P. RAWERS, et al.,

Respondents. ORDER

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This matter came on for status conference on September 12, 2007. Assistant Federal Defender Ann McClinton appeared for petitioner. Deputy Attorney General Justain Riley appeared for respondents. In light of those proceedings, and good cause appearing, IT IS HEREBY ORDERED that:

1. Within fourteen days, the parties shall submit letter briefs, not to exceed two pages, addressing the following issues:

A. Did the California Court of Appeal have an opportunity to develop the record with respect to the facts related to petitioner's claims before this court when it considered petitioner's application for writ of habeas corpus?

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B. If the court finds there was a mutual mistake as to the rate at which petitioner would receive good time during plea proceedings, can the court reform petitioner's plea agreement to reflect the rate at which the parties intended that petitioner would receive good time? See In re Sanders, 20007 WL 2081396 (L.A. Super. Ct. July 23, 2007).

2. The parties may submit one page replies to the letter briefs within five days of service thereof.

DATED: September 12, 2007.

U.S. MAGISTRATE JUDGE

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